

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/589,711
Applicants: Frank Ko et al.
Int'l Filing Date: April 16, 2004
371(c) Date: Not Yet Assigned
Title: GENE AND CELL DELIVERY SELF EXPANDING POLYMER STENTS
TC/A.U.: Not Yet Assigned
Examiner: Not Yet Assigned
Confirmation No.: 8801
Docket No.: RCHP-137US (formerly CHOP 0225)

PETITION UNDER 37 CFR § 1.181
FOR REMOVAL OF THE REQUIREMENT FOR A SEQUENCE LISTING

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

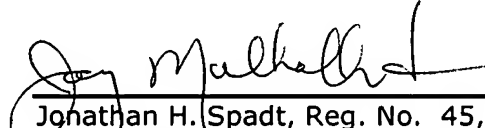
This Petition is filed to respond to the Notification of Missing Requirements under 35 USC § 371, dated April 16, 2007, with respect to the above-identified application.

The Notice of Missing Requirements states that 1) a Sequence Listing, as required by 37 CFR 1.821(c), 2) a copy of the sequence listing in computer readable form, and 3) an amendment directing entry of the sequence listing into the application should be submitted.

The purpose of this petition is to request that the above Requirement be withdrawn. Applicants have carefully reviewed the description, claims and drawings of the application and have confirmed that there are no disclosures of specific nucleotide or amino acid sequences. Although the use of DNA, RNA, and proteins is disclosed generically, no specific sequences are identified in the application. Therefore, a sequence listing is not necessary.

It is believed that no fee is required for this petition because it was necessitated by an internal P.T.O. clerical error. If, however, a fee is required to process the petition, please withdraw the required amount from our deposit account 18-0350.

Respectfully submitted,


Jonathan H. Spadt, Reg. No. 45,122
Joy Mulholland, Reg. No. 47,810
Attorneys for Applicants

JHS/JM/lrb

Dated: June 18, 2007

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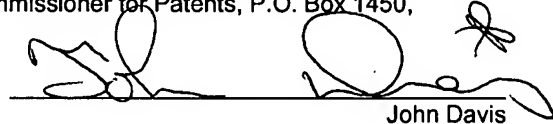
The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

EXPRESS MAIL

Mailing Label Number: EV 845832252 US

Date of Deposit: June 18, 2007

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


John Davis

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO. 10/589,711	FIRST NAMED APPLICANT Frank Ko	ATTY. DOCKET NO. CHOP 0225
INTERNATIONAL APPLICATION NO. PCT/US04/11794		
I.A. FILING DATE 04/16/2004	PRIORITY DATE 02/17/2004	

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TECHNOLOGY TRANSFER

CONFIRMATION NO. 8801

371 FORMALITIES LETTER

OC000000023385701

Date Mailed: 04/16/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Preliminary Amendments filed on 08/17/2006
- Information Disclosure Statements filed on 08/17/2006
- Oath or Declaration filed on 08/17/2006
- Request for Immediate Examination filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006
- Specification filed on 08/17/2006
- Claims filed on 08/17/2006
- Abstracts filed on 08/17/2006
- Drawings filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,711	PCT/US04/11794	CHOP 0225

FORM PCT/DO/EO/905 (371 Formalities Notice)